

### **REMARKS**

Claims 1-9 are pending in this application. Claims 1 and 3-6 are amended. Applicants reserve the right to pursue original and other claims in this and other applications.

Claims 5-7 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The rejection is respectfully traversed.

Applicants respectfully submit that the rejection is based on an improperly narrow interpretation of the bounds of statutory subject matter. As the Supreme Court of the United States recently reaffirmed, the “machine-or-transformation test” is “not the sole test for deciding whether an invention is a patent-eligible ‘process.’” *Bilski v. Kappos*, App. No. 08–964, 130 S.Ct. 3218, 3227 (Jun. 28, 2010) (emph. added). The Court held that “[a]dopting the machine-or-transformation test as the sole test ... (as opposed to just an important and useful clue),” as the Office Action attempts to do here, violates established principles of statutory interpretation. *Id.* at 3226. Thus, Applicants respectfully submit that the Office Action’s narrow interpretation of the bounds of statutory subject matter is improper.

Furthermore, Applicants note that claim 5 nevertheless satisfies even the unduly narrow bounds of the “machine-or-transformation” test. Claim 5 recites a method for providing state based control comprising, *inter alia*, “re-synchronizing said first server device and said second server device based upon said resolution.” The recited “first server device” and “second server device” are machines, to which the recited process is tied. Thus, even under the improperly narrow “machine-or-transformation” test, claim 5 recites statutory subject matter.

Claims 6 and 7 depend from claim 5, and are directed to statutory subject matter for at least the same reasons. Accordingly, Applicants respectfully request that the § 101 rejection of claims 5-7 be withdrawn, and the claims allowed.

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent App. No. 2003/0105854 (“Thorsteinsson”) in view of U.S. Published Patent App.

No. 2003/0056012 ("Modeste") and European Patent App. No. EP 1,089,180 ("Hayashi"). The rejection is respectfully traversed.

Claim 1 recites a home control system comprising, *inter alia*:

a conflicts manager for receiving inputs from said central server and said client server; and

a conflicts specification manager for receiving specifications describing how to resolve conflicts between said central server and said client server;

wherein said conflicts manager applies said specifications in order to resolve conflicts based on instructions to change a state of a home node according to said central server inputs and instructions to change said state of said home node according to said client server inputs.

Thorsteinsson, on the other hand, discloses a portal connecting devices and appliances on a client side to service providers and general content on another side, where the portal includes a "Conflict Resolution mechanism" for managing "lock objects." Thorsteinsson, at ¶¶ 0032, 0072. Thorsteinsson describes a "lock object" as "a reference to a device being addressed and an instruction to request a lock on that device with a particular priority and duration." Thorsteinsson, at ¶ 0073. Thorsteinsson's Conflict Resolution mechanism ensures that "[i]f a request for a lock object has a higher priority than that of an existing lock object holder ... the requester with the higher priority is granted the lock... while the existing lock is forcibly released and marked as invalid (expired)...." Thorsteinsson, at ¶ 0076.

Thus, at most, Thorsteinsson teaches that the alleged "conflicts manager" resolves conflicts based on requests to access the same resource simultaneously. Thorsteinsson does not teach or suggest a conflicts manager that resolves conflicts that are "based on instructions to change a state of a home node according to said central server inputs and instructions to change said state of said home node according to said client server inputs," as recited in claim 1. Modeste and Hayashi fail to remedy the deficiencies of Thorsteinsson, and are not cited as such.

Claim 5 recites a method for providing state-based control including, *inter alia*, "resolving a conflict based on instructions to change a state of a home node according to said inputs

from said first server device and instructions to change said state of said home node by applying said specifications," and is allowable over the asserted combination of Thorsteinsson, Modeste, and Hayashi for at least the reasons discussed above with regard to claim 1.

Claims 2-4 depend from claim 1, and claims 6 and 7 depend from claim 5. These claims are allowable over the asserted combination of Thorsteinsson, Modeste, and Hayashi for at least the reasons discussed above, as well as on their own merits. Accordingly, Applicants respectfully request that the § 103(a) rejection of claims 1-7 be withdrawn, and the claims allowed.

In view of the above, Applicants believe the pending application is in condition for allowance.

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